

(GURGAON CIRCLE), P.W.D. B. & R. BRANCH

The 6th November, 1970

No. 28G (A)/13-A/268.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by the Government, at the public expense for a public purpose namely, for constructing road from Gurgaon to Faridabad (Section Gurgaon to Pali), in Gurgaon District, it is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section IV of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within 30 days of the publication of this notification file an objection in writing before the Land Acquisition Collector, P.W.D., B. and R. Branch, Ambala.

SPECIFICATION

Name of District	Name of Tehsil	Name of village	Area in Acres	REMARKS
Gurgaon	Gurgaon	Sikanderpur	8.92	As demarcated at site.
Do	Do	Chakarpur	9.04	
Do	Do	Gawal Pahari	15.10	
Do	Do	Baliwas (Bulala)	14.65	
Do	Do	Bundhwari	3.88	
Do	Do	Badkhal	4.41	
Do	Do	Bonkhari	0.26	
Total			56.26	

G.S. TANDON,

Superintending Engineer,
Gurgaon Circle, P.W.D., B. and R. Branch,
Gurgaon.

IRRIGATION BRANCH

The 12th November, 1970

No. 5114/Projects/1099/70.—Whereas it appears to the Governor of Haryana that land is likely to be needed to be taken by the Government, at public expense, for a public purpose, namely, for installing Kiln opposite R.D. 60,000 left of Badhwana Distributary in village Kapuri, Tehsil Dadri, district Mahendragarh, it is hereby notified that the land in the locality specified below is likely to be required for the above purpose.

This notification is made under the provisions of Section 4 of the Land Acquisition Act, 1894, for all to whom it may concern. In the exercise of the powers conferred by the aforesaid Section, the Governor of Haryana hereby authorises the officers for the time being engaged in undertaking, with their servants and workmen, to enter upon and survey land in the locality and do all other acts required or permitted by that section.

Further, in exercise of the powers conferred by the said Act, the Governor of Haryana hereby directs that action under clause (b) of sub-section (2) of Section 17 of the said Act shall be taken in this case on the grounds of urgency, and the provisions of Section 5-A of the said Act shall not apply in regard to this acquisition.

SPECIFICATION

District	Tehsil	Village	Area in Acres	Boundary
Mahendragarh	Dadri	Kapuri	8.00	<p>A plot of land comprising of full field numbers</p> <p>10 10 13 13 13 13</p> <p>24 25 4/1 4/2 5/1 5/2</p> <p>13 13</p> <p>6/1 and 6/2 and part field numbers 9 14 14 14</p> <p>21 1/1 1/2 10</p> <p>13</p> <p>— opposite R. D. 60000 left of 7</p> <p>Badhwana Distributary in village Kapuri, tehsil Dadri, district Mahendragarh as demarcated at site and also shown on the index plan.</p>

No. 5122/Project/1099/70.—Whereas the Governor of Haryana is satisfied that land specified below is needed urgently by the Government, at public expense, for a public purpose, namely for installing Kilt opposite R. D. 60000 left of Badhwana Distributary in village Kapuri, tehsil Dadri, district Mahendragarh, it is hereby declared that the land described in the specification below is required urgently for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Land Acquisition Collector, Public Works Department, Buildings and Roads Branch, Ambala Cantonment, is hereby directed to take order for the acquisition of the said land.

Plans of the land may be inspected in the offices of the Land Acquisition Collector, Public Works Department, Buildings and Roads Branch, Ambala Cantonment, and the Executive Engineer, Loharu Feeder Division, Rohtak.

In view of the urgency of the said acquisition, the Governor of Haryana, in exercise of the powers conferred by clause (b) of sub-section (2) of Section 17 of the said Act, hereby directs that the Land Acquisition Collector, Public Works Department, Buildings and Roads Branch, Ambala Cantonment shall proceed to take possession of the land herein specified in accordance therewith.

SPECIFICATIONS

District	Tehsil	Village	Area in acres	Boundary
Mohendragarh	Dadri	Kapuri	8.00	<p>A plot of land comprising of full field numbers 10/24, $\frac{13}{10/25, \frac{13}{4/1}}$, $\frac{13}{4/2}$, $\frac{13}{5/1}$, $\frac{13}{5/2}$, $\frac{13}{6/1}$, and $\frac{13}{6/2}$, and part field number $\frac{9}{21}$, $\frac{14}{1/1}$, $\frac{14}{1/2}$, $\frac{14}{10}$ and $\frac{13}{7}$ opposite R.D. 60,000 left of Badhwana Distributary in village Kapuri, Tehsil Dadri District Mahendragarh as demarcated at site and also shown on the index plan.</p>

By order of the Governor of Haryana.

K. S. PATHAK,

Chief Engineer/Projects,
Irrigation Works Haryana,
Chandigarh.

LABOUR DEPARTMENT

The 18th November, 1970

No. 9882-1-Lab-70/33122.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Highway, Engineering Corporation, (P) Ltd., Bahadurgarh :—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 93 of 1970

between

SHRI PARGAN SINGH WORKMAN AND THE MANAGEMENT OF M/S HIGHWAY ENGINEERING CORPORATION (P) LTD; BAHADURGARH

Present:

Shri Onkar Parshad, for the workman.

Nemo for the management.

AWARD

Shri Pargan Singh was in the employment of M/s Highway Engineering Corporation (P) Ltd., Bahadurgarh. His services were terminated by the management. This gave rise to an industrial dispute between the parties. The Governor of Haryana had been pleased to refer the following dispute for adjudication to the Labour Court, Faridabad presided over by Shri P. N. Thukral under clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947,— vide order No. ID/RH/85-69/22676, dated 14th August, 1969:—

“Whether the termination of services of Shri Pargan Singh was justified and in order? If not, to what relief is he entitled?”

While this reference was still pending adjudication the appointment of Shri Thukral as Presiding Officer of the Labour Court was held to be invalid,—vide judgement, dated 2nd September, 1969 of the High Court for the States of Punjab and Haryana in another case of M/s Gedore Tools (P) Ltd., Faridabad. The Governor of Haryana has been further pleased to refer the above dispute to this Court by a fresh Notification No. 6091-E-Lab-70/22387, dated 31st July, 1970. The file containing the original order of reference has also been received and the case has been registered afresh.

On receipt of the reference, notice was given to the parties. None has appeared on behalf of the management. Shri Onkar Parshad, who represents the workman, however, has filed a statement to the effect that a compromise has been effected between the parties and the workman has received the payment of Rs 800 in full and final settlement of his claim. He has given up his right of re-instatement or re-employment with the management concerned.

In view of the above, it is not necessary to go into the merits of the case and I give my award accordingly in terms of the above settlement arrived at between the parties. No order as to costs.

Dated the 13th October, 1970.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 896, dated the 3rd November, 1970

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 9892 I-Lab-70/33124.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Prestolite of India Ltd., Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
FARIDABAD

Reference No. 161 of 1970

Between

SHRI BABU RAM WORKMAN AND THE MANAGEMENT OF M/s PRESTOLITE OF INDIA LTD.,
FARIDABAD

Present.—

Nemo for the workman.

Shri O. P. Malhotra, for the management.

AWARD

Shri Babu Ram was in the service of M/s Prestolite of India Ltd., Faridabad. His services were terminated by the management on 27th June, 1970, which gave rise to an industrial dispute between the workman and the management concerned. The Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 has been pleased to refer the following dispute to this Court for adjudication,—*vide* Gazette notification No. ID/FD/107-C-70/29280, dated 18th September, 1970.

“Whether the termination of Services of Shri Babu Ram, was justified and in order ? If not to what relief is he entitled ?

On receipt of the above reference, usual notices were given to the parties. The workman has not appeared and filed his claim statement inspite of due service. On behalf of the management, however, it has been urged that a settlement has been arrived at with the workman concerned as per terms and conditions given in Ex. M. 1. which was signed by him as well as Shri Chand Kiran, President of Prestolite Workers Union, Regd., Faridabad. Statement of Shri. O. P. Malhotra, Personnel Officer of the said management has been recorded. He has proved the settlement,—*vide* Ex. M. 1 and further deposed that Shri Babu Ram has been taken back in service with effect from 1st October, 1970 and has joined his duty giving up his claim for back wages. There is apparently no reason to disbelieve his statement, which appears to be correct as the workman himself has not come forward to state and pursue his claim inspite of due service.

I, therefore, give my award in the case in terms of the above settlement arrived at between the workmen and the management which appears to be reasonable. There shall be no order as to costs.

O. P. SHARMA,

Presiding Officer,

Labour Court, Haryana,
Faridabad.

Dated 28th October, 1970.

No. 892, dated Faridabad the 3rd November, 1970.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,

Labour Court, Haryana,
Faridabad.

No. 9880-1-Lab-70/33126.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Rainbow Plastic Industries, Bahadurgarh.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
FARIDABAD

Reference No. 91 of 1970

between

SHRI GIAN SINGH, WORKMAN AND THE MANAGEMENT OF M/S RAINBOW PLASTIC
INDUSTRIES, BAHADURGARH

Present :—

Shri Onkar Parshad, for the workman.

Shri Om Parkash, for the management.

AWARD

Shri Gian Singh was in the service of M/s Rainbow Plastic Industries, Bahadurgarh. His services were terminated, by the management. This gave rise to an industrial dispute between the parties. The Governor of

Haryana had been pleased to refer the following dispute for adjudication to the Labour Court, Faridabad presided over by Shri P. N. Thukral under clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947,—vide order No. ID/RK/119-A-69/11655 dated the 17th April, 1969.

“Whether the termination of services of Shri Gian Singh was justified and in order ? If not, to what relief is he entitled ?”

While this reference was still pending adjudication the appointment of Shri Thukral as Presiding Officer of the Labour Court was held to be invalid,—vide judgement, dated 2nd September, 1969 of the High Court for the States of Punjab and Haryana in another case of M/s Gedore Tools (I) Ltd., Faridabad. The Governor of Haryana has been further pleased to refer the above dispute to this Court by a fresh notification No. 6091-E-Lab-70/22387, dated 31st July, 1970. The file containing the original order of reference has also been received and the case has been registered afresh.

On receipt of the reference, notice was given to the parties who have appeared and filed a joint statement to the effect that a settlement has been arrived at between the workman and the management. I have heard the representatives of the parties and considered the terms of the settlement which appears to be reasonable. The workman has received payments of the amount agreed in full and final settlement of his claim and he has given up his right of re-instatement or re-employment with the management. I give my award accordingly in the case in terms of the above settlement mutually arrived at between the parties. There shall be no order as to costs.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Dated 13th October, 1970.

No. 898. dated Faridabad, the 3rd November, 1970.

Forwarded (four copeis) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 6th October, 1970.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 9891-ILab-70/33128.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Industrial Refrigeration Industries, Model Industrial Area, Bahadurgarh.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
FARIDABAD

Reference No. 85 of 1970

between

SHRI DARSHAN LAL, WORKMAN AND THE MANAGEMENT OF M/S INDUSTRIAL
REFRIGERATION INDUSTRIES, MODEL INDUSTRIAL AREA, BAHADURGARH.

Present :

Shri Onkar Parshad, for the workmen.

Shri A. J. S. Chadha, for the management.

AWARD

Shri Darshan Lal was in the employment of M/s. Industrial Refrigeration Industries, Model Industrial Area, Bahadurgarh. His services were terminated by the management. This gave rise to an industrial dispute between the parties. The Governor of Haryana had been pleased to refer the following dispute for adjudication to the Labour Court, Faridabad presided over by Sh. P. N. Thukral under clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947,—vide order No. ID/RK/136-A-69/21750, dated 4th August, 1969.

“Whether the termination of services of Shri Darshan Lal was justified and in order. If not, to what relief is he entitled?”

While this reference was still pending adjudication for the appointment of Shri Thukral as Presiding Officer of the labour Court was held to be invalid,—*vide* judgement, dated 2nd September, 1969 of the High Court for the States of Punjab and Haryana in another case of M/s. Gedore Tools (I) Ltd, Faridabad. The Governor of Haryana has been further pleased to refer the above dispute to this Court by a fresh Notification No. 6091-E-Lab-70/22387, dated 31st July, 1970. The file containing the original order of reference has also been received and the case has been registered afresh.

On receipt of the reference, notice was given to the parties who have appeared and filed a joint statement to the effect that a settlement has been arrived at between the workman and the management. I have heard the representatives of the parties and considered the terms of the settlement which appears to be reasonable. The workman has received payment of the amount agreed in full and final settlement of his claim and he has given up his rights of re-instatement or re-employment with the management. I give my award accordingly in the case in terms of the above settlement mutually arrived at between the parties. No order as to costs.

Dated, the 13th October, 1970.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 903, dated Faridabad the 3rd November, 1970

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 9887-ILab-70/33130.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Haryana, Faridabad in respect of the dispute between the workmen and the management of Messrs Shrawati Sugar Mills, Yamuna Nagar.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA FARIDABAD

Reference No. 78 of 1969

between

THE WORKMAN AND THE MANAGEMENT OF MESSRS SARASWATI SUGAR
MILLS, YAMUNA NAGAR

Presence—

Shri Madhu Sadan Saran Boushish, for the workmen

Shri Roshan Lal Gupta, for the management.

AWARD

The workmen of M/s. Saraswati Sugar Mills, Yamuna Nagar served a notice of demands on the management in which *inter alia* a demand was raised that the workmen working as coolies in the Boiler section and in the Mill House and power house as Oilmen be given uniforms as their duties warranted the same. This demand was not accepted by the management and it gave rise to an industrial dispute. Accordingly the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal, for adjudication,—*vide* Government Gazette Notification No. ID/UMB/173/B-69/30352, dated 24th November, 1967.

“Whether the workers working in Boiler Section as Coolies and in Mills house and Power house as Oilmen should be supplied with uniforms. If so, with what details and from which date.”

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workmen and the management filed the written statement. On behalf of the workmen it is pleaded that the nature of duties of Coolies in the Boiler section and that of the Oilmen in the Mill house and power house is such that their clothes are spoiled and since these workmen are poorly paid and can not afford the change of clothes, the management be directed to provide them with uniforms in the same manner as the sweepers, Drivers, Peons and Watch and Ward Personnel are provided with uniforms. The workmen demand that two summer uniforms comprising of Pant and Bhushirt are should be given in the month of April every year and one uniform for winter season comprising of a Pant and Bhushirt after every alternate year. It is further prayed that with the winter uniform the workmen may also be provided with aprons so that the uniform last longer.

The objections raised on behalf of the management is that Sugar Industry is an all India Industry on which the Central Government exercised a rigid control with regard to the fixation of price of sugarcane, price of sugar and wages. It is pleaded that the wages in the industry have been fixed on the recommendations of the Wage Board appointed by the Government of India which was implemented by the sugar industry and if any additional amenities are given to the workmen of the respondent factory which are not being enjoyed by the workmen of other factories it would put an additional burden on the management and the other sugar factories would get an undue advantage over the respondent factory. It is further alleged that the Central Government has appointed a second Wage Board in the end of 1965 to consider the question of further revision of wage structure in the sugar industry which report is likely to be submitted to the Government in the near future and when a high-power body which includes the representative of the workmen is also seized of the matter with regard to wages and other amenities, one factory should not be singled out and the burdened with additional amenities. As regards the statement of claim filed on behalf of the workmen, it is pleaded that the statement is vague in so far as it does not give the names of the workmen for whom the union demands uniform. On the merits of the case it is pleaded that the nature of duties of the workmen engaged in the boiler section as Coolies and in the Mill house and power house as oilmen is not such that their clothes get dirty very soon. It is pleaded that there is no sugar factory in the Country which provides uniform to the workmen in the Boiler House or to the Oilmen in the Mill House or Power House. It is further pleaded that the sugar industry is a seasonal industry and does not involve any abnormal wear and tear of their clothing. As far the workmen working in this boiler house it is pleaded that the coolies operate the mechanical bagasse feeders and the clinker is removed into trollies with shovels and is dumped outside the boiler house and the boiler house coolies have not to do any oiling or greasing. So far as the oilman in the Mill house and the power house are concerned, it is pleaded that the oiling and greasing is done by means of mechanical devices and all that these workmen have to do is to feed the mechanical devices by pouring oil and grease with cans and grease guns ones or twice a day and these operations do not expose their clothing to any soiling. It is pleaded that there is no dust in the mill house and power house and the claim of the workmen that an abnormal wear and tears of the clothes is caused by sticking of dust on oily substance on their clothing is wholly incorrect and so the question of their clothes being subjected to any abnormal wear and tear does not arise. It is also pleaded that the respondent sugar mill is functioning for more than 30 years and there has been no change in the manufacturing process to cause any extra wear and tear of the clothes of the workmen concerned during the recent year. According to the management the wear and tear of clothes in the case of all workmen employed in all sections of the respondent mill including the workmen concerned in this reference is almost the same and if the present claim is accepted and the workmen engaged in the boiler section as Coolies and in the Mill house and power house as oilmen is accepted then it will create dissatisfaction amongst the other workmen numbering more than 1500 which would disturb industrial peace.

The only issue which arose from the pleadings of the parties was precisely the same as in the order of reference, the parties were directed to produce evidence in support of their respective submissions. In order to facilitate the proper disposal of the case the workmen were also directed to give in detail the precise nature of the job done by the Coolies in the boiler section and the nature of the job done by the oilmen working in the mill and the power house. It was also ordered that the number of workmen involved in each section should be also indicated. The management were like wise directed to give the necessary detail of the nature of duties of these workmen.

In compliance with this order the representative of the workmen simply gave the names of the workmen working as oilmen in the mill house and power house and the coolie working in the boiler section. According to the workmen there are in all 11 oilmen and 72 coolies in the boiler section. Neither party gave the actual details of the nature of the work required to be done by these workmen. The workmen produced three witnesses in support of their case and the management have produced four witnesses in rebuttal. I have carefully considered the evidence of the workmen and in my opinion it is not satisfactorily established that the work of boiler house coolies and the oilmen is in any way more arduous or more dirty than that of the other workmen employed in the respondent factory and for this reasons they alone deserve to be supplied with uniforms. The first witness produced on behalf of the workmen is Shri Birwa W. W. 1 a boiler coolie of the respondent who is under suspension at present. He says that as a part of their duties the boiler house coolies have to clean the chamber and the furnace and for this purpose they have to enter the furnace and in this act their clothes get dirty.

Shri Madan Mohan W. W. 2 who is also a boiler house coolie. He corroborates the version of Shri Birwa and says that the coolies in the boiler section have to enter the furnace as a result of which their clothes get dirty and some times get burnt as a result of the sparks.

The management in order to rebut this evidence have produced; Shri Krishan Gopal their Engineer Incharge who says that they have installed automatic boilers and the bagasse in these boilers is fed automatically and there is forced draft by reason of which very little clinkers gets stuck in the boilers. He says that the duty of the boiler coolies is to see that the automatic feeding system works properly. As regards the cleaning of the furnace the witness says that this cleaning is done only once a week and even while performing this duty the clothes of the coolies do not get spoiled because their job is simply to collect the clinkers with shovels fitted with a long handles. As regards the oilmen the witness says that the duty of the oilmen is simply to see that the oil feeding equipment remains full and they have to fill up the oils only once in one shift and some equipment do not require feeding even for three or four days. The witness says that the oil feeding equipment works automatically and the clothes do not get spoiled while doing this work. In cross examination the witness stated that the furnace is cleaned only once a week and it take only two to three hours to clean a furnace and in one shift only one furnace is cleaned. He says that they are in all 17 furnances and 11 boilers and the 17 furnances are cleaned in a week in 21 shifts. The witness was then asked about the temperature in the boiler house. He replied that the temperature in the boiler house was about 45 degree centigrade which means 104 degree F. He further explained that this temperature is in summer and in winter, the people like to sit there and enjoy the warmth.

As regards the oilmen the witness stated that they have to simply carry the oil and grease cans for a distance of about 20 or 25 paces for the purpose of filling up the oil feeding equipments. He stated that oil and grease is carried in closed cans. It appears that the learned representative of the workmen probably felt that no case for the supply of uniforms for the oilmen could be made out if all that they are required to do is to carry oil and grease in enclosed cans for the purpose of filling the oil feeding equipment and he asked if half burnt bagasse gets mixed up in the air after its escape from chimney and it falls on the cloths of the person working in that area. The witness explained that the workmen work under sheds and not in open and therefore the question of half burnt bagasse falling on their clothes does not arise. The learned representative of the workmen then asked if the cloths of the workmen do not get dirty because their work is very strenuous. The witness admitted that when the workmen have to do any strenuous work then they do perspire but he explained that the workmen do not have to do strenuous work all the time. The purpose for which the learned representative of the workmen asked these general questions is not very clear. It may be that the learned representative was trying to make out a case for the supply of uniforms to all type of workmen working in the respondent factor. The learned representative probably forgot that the scope of the present enquiry is limited and we have only to see whether the boiler house coolies and the oilmen should be supplied with uniforms. After carefully considering all the evidence produced by the parties I am of the opinion that the work done by the boiler house coolies and the oilmen may not be very clean job as sought to be made out by the management but this much seems to be clear that their work is not so dirty that they require uniforms.

Before I conclude I may point out that the workmen have also not been able to satisfactorily prove that the boiler house coolies and the oilmen working in any other sugar factories are supplied with uniform. Shri Madan Mohan W. W. 2 no doubt says that before joining the service in the respondent mill he had worked in 15 other mills and the workmen doing this type of work are all supplied with uniforms. The witness however did not give the name of even one factory in which uniforms are supplied to the oilmen or boiler house coolies and therefore it was not possible for the management to lead any evidence in rebuttal and to prove as to what the witness has stated is not correct. As already pointed out the position which the management have specifically taken up is that there is no sugar mill in India in which the boiler house coolies and the oilmen are given uniforms. The defence of the management all along has been that the Sugar Industries is a all India Industry and the Central Government exercise a rigid control on the working of the sugar industries including fixation of price of Sugar Cane, price of sugar and wages required to be paid to the workmen and if any additional amenities are allowed to the workmen of the respondent factory, it would put an additional burden on them which would not be fair. In order to prove that uniforms are not supplied in any other sugar mill, the management have produced three witnesses from other Sugar Mills, all of whom say that the boiler house coolies and oilmen are not supplied with uniform. Shri P. K. Puri M. W. 2 is a manufacturing Chemist of Doaba Cooperative Sugar Mills, Nawan Sher. Shri Rattan Chand Joshi M. W. 3 is a record keeper of Janta Cooperative Sugar Mills, while Shri B. R. Basin M. W. 4 is an Assistant Manager Cum Factory Manager of Malwa Sugar Mills Dhuri. Sarvshri Puri and Basin say that in their mills boiler Mazdoors and oilmen are not given any uniforms. Shri Rattan Chand Joshi stated that only peons and Drivers employed in his Mills are provided with uniforms and no other workmen get any uniforms. In view of the stand taken up by the management it was very essential for the workmen to give some satisfactory evidence with regard to the Sugar Mills in which the boiler house coolies and the oilmen are supplied with uniforms.

Shri Uggar Sain W. W. 3 an ex-workman of the respondent factory and General Secretary of the Saraswati Industrial Syndicate Workers Union attempted to the name a few sugar factories in which the boiler house coolies and oilmen are supposed to be supplied with uniforms. Shri Uggar Sain says that the boiler house coolies and oilmen employed in Durala, Dev Band, Khitoli and Iqbalpur Sugar Factories are supplied with uniforms. The evidence of this witness is not of much use because he admits in cross-examination that he has not actually worked in Durala and Dev Band Sugar Factories and his information that the boiler house coolies and the oilmen in these factories are supplied with uniforms is based upon the hearsay information supplied to him by the workmen working in those factories. As regards Khitoli and Iqbalpur Sugar factories it would have been much better if the relevant record of these factories had been summoned in order to prove that uniforms are actually supplied to the boiler house coolies and the oilmen in order to rebut the assertion of the management that in no other sugar mill uniforms are supplied to such type of workmen. In my opinion it would not be safe to rely upon the mere oral testimony of Shri Uggar Sain alone that uniforms are supplied to boiler house coolies and oilmen in Khatauli and Iqbalpur Sugar Factories. I agree with the learned representative of the management that the nature of work of the boiler house coolies and the oilmen working in the respondent factory is almost similar to the work in other sugar factories and it would not be fair and proper to pick out the respondent factory alone and burden it with additional liability which the other factories have not to bear. If it had been proved that nature of work of this category of workmen is really such that supply of uniforms is absolutely necessary then it would not have been possible to deny them this facility simply on the ground that the workmen of the other sugar factories are not supplied with uniforms but as already pointed out the evidence produced by the workmen is not very satisfactory in this regard. I, therefore, hold that no case for supply of uniform is made out. I give my award accordingly. No order as to cost.

Dated the 16th October, 1970.

P. N. THUKRAL,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1454, dated the 2nd November, 1970.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment, Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 16th October, 1970.

P. N. THUKRAL,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9893-ILab-70/33254. -In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Haryana Woollen and General Mills (P) Ltd., Panipat.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 150 of 1970

between

Shri Surinder Kumar workman and the management of M/s Haryana Woollen and General Mills
(P) Ltd; Panipat

Present:—

Shri Raghubir Singh, for the workman.

Nemo for the management.

AWARD

Shri Surinder Kumar was in the service of M/s Haryana Woollen and General Mills (P) Ltd., Panipat as a Spinner. His services were retrenched by the management,—*vide* notice, dated 18th March, 1969 which gave rise to an industrial dispute between the workman and the management concerned. He served the management with demand notice dated 5th March, 1970 but without any effect, the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act has been pleased to refer the following dispute for adjudication to this Court,—*vide* Gazette notification No. ID KL/18-A-70/26568, dated 2nd September, 1970.

“Whether the termination of services of Shri Surinder Kumar was justified and in order. If not, to what relief is he entitled?”

On receipt of the reference usual notices were issued to the parties and they have filed their respective statements. It is, however, not necessary to go into the merits of the case as a statement has been made by the learned representative of the workman that he does not want to proceed with the present reference which has not been properly made. It has been stated that the workman has no dispute with the order of the termination of his services and only seeks re-employment with the said management as has been done in the case of the other workers after their services had been brought under retrenchment. According to the learned representative of the workman, a fresh demand notice has to be given to the management.]

In view of the above stand taken on behalf of the workman, no further investigation is called for in the case which has to be filed without giving any findings as to the correctness or otherwise of the order of the termination of the services of the workman concerned. I give any award accordingly. There shall be no order as to costs.

Dated the 2nd November, 1970.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 894, dated Faridabad, the 3rd November, 1970.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

B. L. AHUJA,
Commissioner for Labour and Employment and Secy.